

PROVISO

SUBCOMMITTEE

RECOMMENDATIONS



PUBLIC EDUCATION

AND

SPECIAL SCHOOLS

**PROVISO SUBCOMMITTEE
PUBLIC EDUCATION AND SPECIAL SCHOOLS
RECOMMENDATIONS FOR FY 2010-11
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 1 - H63-DEPARTMENT OF EDUCATION

- 1.23 DELETE** (Adult Education/Literacy) Requires the General Assembly to appropriate an amount equal to \$175 per pupil for adult education and to adjust the amount annually by the same percentage as the base student cost inflation factor. Require overall State funding levels to meet the federal requirement of State maintenance of effort. Direct that \$150,000 of adult education funds be used to provide for rural literacy development pilot projects. Direct that additionally, each county receive \$50,000 for school districts to use for adult literacy service delivery to adult nonreaders and those reading at or below the 8th grade level.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Conform to line item being moved from General Fund to EIA and consolidated with all other line item appropriations for adult and young adult education.* Fiscal Impact: No impact to the General Fund. Requested by Education Oversight Committee. See new proviso 1.ae.

~~1.23. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.~~

~~From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult nonreaders and those reading at or below the eighth grade level. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.~~

- 1.27 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to also allow administration of WorkKeys to be paid from assessment funds. Direct that the test selection for each student should be informed by the student's individual graduation plan cluster selection, guidance counselor advisement and parent/legal guardian consent. *Would expand the number of assessments and give school districts greater flexibility in determining the appropriate assessment for 10th grade students.* Fiscal Impact: The EOC indicates no impact on the General Fund. Requested by Education Oversight Committee. See 1A.26 for EIA companion proviso.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT, ~~or~~ PLAN, or WorkKeys test to tenth grade students to include the testing fee and report fee. The selection of the test for each student should be informed by the student's individual graduation plan (IGP) cluster selection,

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guidance counselor advisement and parent/legal guardian consent. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

- 1.28** **AMEND** (Basic Skill Exam) Requires a person seeking candidacy in a n undergraduate teacher education program to take and pass the Basic Skill Exam pursuant to Sections 59-26-20 and 59-26-40 [TRAINING, CERTIFICATION AND EVALUATION OF PUBLIC EDUCATORS], and directs that if any section is failed, the exam or portion may be retaken. Requires all sections of the Basic Skill Exam to be passed before a person is formally admitted into any undergraduate teacher prep program. Directs that any person who has attained 1650 or better on the SAT or a comparable ACT score is exempted from this requirement.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “Basic Skill Examination” references to “teacher candidate basic skill examination.” *Updates terminology.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.28. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the ~~Basic Skill Examination~~ teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the ~~Basic Skill Examination~~ teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

- 1.32** **AMEND** (Buses, Parts, and/or Fuel) Authorizes the department to use other operating funds in the Bus Shops and Buses programs to purchase buses, fuel, parts or other school bus related items. Authorizes bus fuel, parts/supplies, maintenance, and bus purchase funds to be carried forward and used to support bus transportation services.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year carry forward authority from “2009-10” to “2010-11.” *Continue to allow carry forward funds to be used to support bus transportation services.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.32. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY ~~2009-10~~ 2010-11 to support bus transportation services.

- 1.36** **DELETE** (Part-time Benefits) Directs that teachers working less than 30 hours, but not less than 15 hours a week, qualify for state health and dental insurance and directs the B&C Board to amend its ‘Plan of Benefits’ to conform to this provision. Directs employers to pay a pro rata share based on the hours worked by the teacher with the teacher paying the remaining costs, however, directs the employer’s contribution be no less than half the normal cost.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

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1.36. (SDE: Part-time Benefits) ~~Teachers working less than thirty hours a week, but no less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.~~

- 1.42** **AMEND** (Proviso Allocations) Authorizes the department to reduce any allocation designated by proviso in Section 1 by up to 10%, but prohibits allocations for teacher salaries from being reduced.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that if the BEA officially declares an EIA revenue shortfall, the department may reduce any Section 1 allocation designated by proviso in accordance with the lower estimate as directed by the Office of State Budget. Direct that the reduction may not be greater than the total appropriation percentage of reduction of Section 1 appropriations. Direct that if the department holds back funds in excess of the total percentage reduction they must allocate those funds per the proviso. *Mirrors the EIA companion proviso 1A.22 amended last year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.42. (SDE: Proviso Allocations) ~~The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso.~~ No allocation for teacher salaries shall be reduced as a result of this proviso.

- 1.43** **AMEND** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year references from "2009-10" to "2010-11." Specify that in addition to the assessments already suspended by this provision, state mandated assessments not required by No Child Left Behind and financial literacy must be suspended. Suspend textbook purchases except for replacement of instructional material currently on the state's adopted textbook list. Suspend printing of school and district report cards. Direct the district or school to email parents a link to the report cards if they maintain the email addresses in their student information system database. Direct the district or school to notify the parents about the report cards through newsletters and other regular communication channels. Direct that if a parent requests a printed copy, it must be provided at no charge. Direct that for FY 2010-11, savings generated from suspending the state mandated assessments, new textbooks adoptions, and report card printing

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must be redirected to the EFA for teacher salary purposes. Fiscal Impact: PENDING.
Requested by Department of Education.

1.43. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least sixty-five percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the sixty-five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, ~~2010~~ 2011.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2009-10~~ 2010-11 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For Fiscal Year ~~2009-10~~ 2010-11, Section 59-21-1030 is suspended. Formative State mandated assessments not required by No Child Left Behind, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. New textbook adoptions may be suspended. Nothing in this provision suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended. Printing of school and district report cards shall be suspended. The district or

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school shall email parents a link to the report cards if the school maintains parent email addresses in its student information system database. The district or school shall notify parents about the report cards through its newsletters and other regular communication channels. If a parent requests from the district or school a printed copy of the report card, the district or school will provide that printed copy without cost to the parent. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For Fiscal Year 2010-11, savings generated from the suspension of the state mandated assessments, the suspension of new textbooks adoptions, and the suspension of report card printing enumerated above must be redirected to the Education Finance Act for teacher salary purposes.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

- 1.48 AMEND (National Board Certification Incentive)** Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs that up to 1,100 loan applications shall be processed annually. Authorizes funds collected from educators who are in default of the

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loan to be retained and carried forward for National Board purposes. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that effective July 1, 2010, the state will not award loans to teachers seeking National Board certification and will not pay a \$7,500 salary supplement to any teacher who receives such certification unless they received certification before July 1, 2010 or completed application for certification prior to July 1, 2010 and subsequently received the certification. Prohibit state funds from being paid to any teacher beyond the first ten years of receiving National Board certification except for individuals who have applied for or subsequently received their second ten year certification prior to July 1, 2010. Specify that the department retain funds collected from educators who are in default of National Board loans. Authorize that up to 10% of the funds collected may be used by the department to offset loan collection administrative costs and the remainder of the funds be used for National Board loan purposes. *Phases out National Board supplements after all existing commitments are made.* Fiscal Impact: PENDING. Requested by Education Oversight Committee. See EIA companion proviso 1A.14.

1.48. (SDE: National Board Certification Incentive) *Effective July 1, 2010, the state will not award loans to any teacher seeking National Board certification and will not pay a \$7,500 salary supplement to any teacher receiving National Board certification unless the teacher had received National Board certification prior to July 1, 2010 or had completed application for National Board certification prior to July 1, 2010 and subsequently received National Board certification. No state funds shall be paid to any teacher beyond the first ten years of receiving National Board certification except for those individuals who have applied for or subsequently receive their second ten year certification prior to July 1, 2010.*

Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards *or completed the application process prior to July 1, 2010* shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is

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submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

- 1.50 AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff. Allows instructional personnel to be furloughed up to 5 non-instructional days if such furlough is not prohibited by an applicable employment contract and if district administrators are furloughed for twice the number of days. Directs that district administrators may only be furloughed on non-instructional days.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to require, for FY 2010-11, that individuals under a contract or letter of agreement that equal 190 days to take a 5 day furlough on non-instructional days and require district and school level administrators to take at least 10 day furlough. Direct that district and school level administrators be defined using the Professional Certified Staff (PCS) System and individuals not coded in PCS shall be defined based on position codes identified as administration. Direct that district office/school personnel in unclassified positions are not included the definition of district administrators. Direct that educators who would have received a year's experience credit if a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation. Fiscal Impact: PENDING.

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1.50. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. ~~However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days.~~ *For Fiscal Year 2010-11 individuals with contracts or letters of agreement that equal 190 days, shall be required to take a five day furlough on non-instructional days. District and school level administrators must be furloughed for no less than ten days. District and school level administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. District administrators do not include those district office/school personnel in unclassified positions. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.* District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

- 1.55** **DELETE** (Educational Items) State that it is the intent to offer local school districts the same spending flexibility as provided in the prior fiscal year in order for resources to more closely follow the student.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The proviso is duplicative of the flexibility language provided in proviso 1.43.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.55. (SDE: Educational Items) ~~In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.~~

- 1.61** **AMEND** (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program to provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District and then to eligible children in school districts with a poverty index of 90% or greater. Directs that the program be available for the 2009-10 school year on a voluntary basis. Directs the EOC to conduct an evaluation of the pilot program and issue a report to the General Assembly by 1/1/10. Authorizes unexpended funds to be carried forward and remain in the program.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update school year references to "2010-11" and calendar year references to "2011." Delete the prohibition on using funds appropriated for this purpose to fund services to at risk 4 year olds who reside outside the trial or plaintiff districts during the pilot program implementation. Require the EOC report on evaluation of the pilot program January 15th of the current fiscal year rather than January 1, 2010. Authorize CDEPP providers to enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and if funds are available, to receive reimbursement, if by October 1st at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the department and the Office of First Steps. Amend the funded cost per child from "\$4,093" to "\$4,218" and delete the authorization that up to \$2,500 may be provided annually to procure consumable and other materials in established classrooms. Delete the requirement that First Steps include EOC fiscal and management questions in its triennial external evaluation. Delete the specification of of what must be included in the 2010 evaluation and instead direct that the annual evaluation address the implementation, accountability and effectiveness of CDEPP. Fiscal Impact: PENDING.

1.61. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the ~~2009-10~~ 2010-11 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2009-10~~ 2010-11 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. ~~During the implementation of the pilot program, no funds appropriated~~

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~~by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.~~

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2010 15 of the current fiscal year. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the

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provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice

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and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

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(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

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(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2009-10~~ 2010-11 school year, the funded cost per child shall be ~~\$4,093~~ \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. ~~Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms.~~ Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, ~~2010~~ 15th of the current fiscal year. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. ~~The Office of First Steps will include in its triennial external evaluation pursuant to Section 59-152-160 of the 1976 Code, fiscal and management questions as provided by the Education Oversight Committee.~~

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. ~~The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to~~

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~~assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four-year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers. The annual evaluation will address the implementation, accountability, and effectiveness of CDEPP.~~

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

- 1.68** **DELETE** (Physical Education Assessment Program) Directs the department to use physical education assessment program funds to review and revise the physical education assessment and associated professional development. Authorizes the department to field test the revised assessment in FY 09-10.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The review and revision have been completed and field testing will take place during the 2009-10 school year. Deletion will allow the assessment to be implemented in the 2010-11 school year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~**1.68.** (SDE: Physical Education Assessment Program) Of the funds appropriated to the Department of Education for the physical education assessment program, the department is directed to use the funds for the review and revision of the physical education assessment and associated professional development. For Fiscal Year 2009-10, the department may field test the revised physical education assessment.~~

- 1.72** **AMEND** (Residential Treatment Facilities Student Enrollment and Funding) Directs that children who are South Carolina residents and are in licensed treatment facilities (RTFs) for children and adolescents as defined in Section 44-7-130 [STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT DEFINITIONS] shall be entitled to receive educational services from the school districts where the RTF is located ("facility school district"); that such facility school district shall be responsible for providing appropriate educational programs and services for these students, with and without disabilities; and provides guidelines and certain program and funding requirements.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to specify that the RTF facility must maintain "comparable" adequate space for educational programs and services consistent with "all federal and state" least restrictive environment requirements. Direct that adequate space shall include appropriate electrical support and Internet accessibility. Direct that unless the parent or legal guardian seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then the facility school district shall enroll the student and assume full

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legal and financial responsibility for educational services. State that the facility district shall be justified in terminating the contract if they determine the educational program the RTF is offering does not meet the educational standards outlines in the contract. Direct the facility school district to notify the Department of Education's Office of General Counsel if they are unable to reach agreement with the resident school district regarding any reasonable costs differences which may arise; direct the department to facilitate a resolution of the dispute; and if they are not able to resolve the issue, to refer the case to the Administrative Law Court for a final decision. Direct that if an out of state child is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for educational services. Allow the facility school district to choose to provide the educational program to the child and, upon choosing to do so, to contract with the appropriate entity for payment of educational services provided to the child. Direct that if a parent or guardian places a child in a RTF, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. Direct that a facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA. Delete the requirement that assessment and accountability measures of students not physically attending a specific school be disaggregated and reported separately in the facility school districts' accountability calculations. Direct that students who reside in and receive their education on-site at a RTF shall have their performance reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. Direct the Department of Education to examine the feasibility of issuing report cards for RTFs. State that for the 2010-11 school year, deficiencies related to the delivery of an educational program at a RTF shall not negatively impact the district's state accreditation rating. Direct the Department of Education, in collaboration with state placing agencies, RTFs, and facility and resident school districts to implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure that these students are not recorded as dropouts. Direct the Department of Education to convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of educational programs provided to students who reside in a RTF. Direct that recommendations may include, but are not be limited to, implementing a system of state oversight, state standards for an appropriate educational program, and requirements for collaboration between DHEC and the department regarding educational program requirements when new RTFs are licensed. Direct that the task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility and resident school districts, DHEC, and other interested entities. Direct that the report be made available to the General Assembly no later than January 1, 2011. *Clarifies that the facility school district retains educational and financial responsibility for students in RTFs unless the resident district undertakes to provide educational services and clarifies that the home state retains responsibility for out of state students.* Fiscal Impact: PENDING. Requested by Department of Education.

1.72. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

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A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains *comparable* adequate space for the educational programs and services consistent with the *all federal and state* least restrictive environment requirements. *Adequate space shall include appropriate electrical support and Internet accessibility.* ~~Under~~ *Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under* these circumstances, the facility school district ~~may choose to~~ *shall* enroll the student and assume full legal and financial responsibility for the educational services; ~~or it may choose to provide the educational services and serve as the educational and fiscal agent of the school district in which the student's legal guardian resides ("resident school district") for purposes of~~ *including* enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. *If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.*

The State shall appropriate 100 percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF. The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting, as set forth in Section 59-20-40 of the 1976 Code and any eligible federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. *Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision.*

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational serviced provided to the child.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility

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school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. ~~All assessment and accountability measures of students not physically attending a specific school shall be disaggregated and reported separately in the facility school districts' accountability calculations.~~ *The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.*

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. *The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.*

The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs are licensed. The task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.

- 1.75 DELETE** (Special Schools Flexibility) Authorizes special schools, for Fiscal Year 2010-11, to transfer funds among funding categories, including capital funds.

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Duplicative of flexibility language provided in proviso 1.43.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.75. (SDE: Special Schools Flexibility) For Fiscal Year 2009-10 the special schools are authorized to transfer funds among funding categories, including capital funds.~~

1.hsde ADD (High School Driver Education) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to suspend, for FY 10-11, the requirement that high schools offer driver education, but allow schools to continue to offer the course if they so choose. Direct the department to survey school districts and collect information on the cost of the program, the number of participants, and recommendations regarding continuing the program. Direct the department to submit a report by January 1, 2011, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee outlining the findings of the survey and the recommended changes to the course. Direct the department to work with DMV in collecting and reporting driver education input. *Allows school districts the option on whether or not to continue to provide the program given the cost of car rental, insurance, simulators, gas, etc.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.hsde. (SDE: High School Driver Education) For Fiscal Year 2010-11 the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.

1.bcst ADD (Background Checks for Substitute Teachers) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to require each substitute teacher hired by a local board of trustees to undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by SLED. Require district school boards of trustees to adopt a written policy outlining this requirement and how the background check information will impact hiring decisions. Require that the policy include, at a minimum, hiring recommendations in relation to felony convictions and pertinent "just cause" examples cited in Section 59-25-160 [REVOCATION OR SUSPENSION OF CERTIFICATE; "JUST CAUSE" DEFINED]. Require that the policy stipulate whether the district or the applicant assumes the cost of the criminal record search. Direct that SLED, working with the department, provide training to appropriate school district personnel regarding appropriate use of information provided in background checks. Direct the department to adopt a model policy. *Since there is currently no statutory requirement for background checks for substitute teachers, requiring the checks will increase the level of safety schools can provide to students.* Fiscal Impact: PENDING. Requested by Department of Education.

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1.bcst. (SDE: Background Checks for Substitute Teachers) Each individual hired by a local board of trustees to serve as a substitute teacher must undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by the State Law Enforcement Division (SLED). District school boards of trustees must adopt a written policy outlining this requirement as well as how the information received from the background check will impact hiring decisions. The policy must include, at a minimum, hiring recommendations relative to felony convictions and relevant "just cause" examples cited in Section 59-25-160 of the 1976 Code. The policy shall stipulate whether the district or the applicant assumes the cost of the criminal record search. SLED, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in background checks. The Department of Education shall adopt a model policy.

- 1.pr ADD (Program Reports) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to suspend, for FY 2010-11, all programmatic reports required by the General Assembly, however require the department to continue to provide the Accountability Report or other reports required for annual budget preparation. Direct the department, by December 1, 2010, to develop a template outlining a triennial reporting cycle for all required program reports and submit the template to the Senate Finance and House Ways and Means Committees. Require the template to outline which of the required reports will be provided in each of the three years. Direct the department to continue to collect all required information during Fiscal Year 2010-11. *Allows the department to concentrate their efforts on delivery of services to school districts rather than creation of programmatic reports.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1.pr. (SDE: Program Reports) For Fiscal Year 2010-11, all programmatic reports required by the General Assembly shall be suspended. However, the department shall annually continue to provide the Accountability Report or other reports required specifically for annual budget preparation. By December 1, 2010, the department shall develop and provide to the Senate Finance Committee and the House of Representatives Ways and Means Committee a template outlining a triennial reporting cycle for all program reports required by the General Assembly. The template shall outline which of the required reports will be provided in each of the three years. During the Fiscal Year 2010-11 program report suspension, the department shall continue to collect all required information.

- 1.pc ADD (Professional Certificates) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that professional certificates issued by the State Board of Education that are required to be renewed in 2010 shall be extended for one year. Fiscal Impact: PENDING.

1.pc. (SDE: Professional Certificates) Professional certificates issued by the State Board of Education requiring renewal in 2010 shall have the requirements for renewal extended for one year.

- 1.cfa ADD (SDE: Consolidated Funds Allocation) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that in the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on each district's weighted pupil units. Fiscal Impact: No impact on the General Fund.

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1.cfa. (SDE: Consolidated Funds Allocation) In the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on the number of weighted pupil units in each district.

- 1.ita** **ADD** (Index of Taxpaying Ability) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to suspend, for the current fiscal year, the provisions of Section 59-20-20(3) [EDUCATION FINANCE ACT OF 1977; DEFINITIONS] for purposes calculating the Index of Taxpaying Ability. Direct that for the current fiscal year, the index as calculated by the Department of Revenue for 2009 shall apply. Fiscal Impact: PENDING.

1.ita. (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.

- 1.sgc** **ADD** (Single Gender Charter Schools) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow a person or nonprofit corporate entity to seek to form a single gender charter school. Fiscal Impact: No impact on the General Fund.

1.sgc. (SDE: Single Gender Charter Schools) A person or nonprofit corporate entity may seek to form a single gender charter school.

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

- 1A.6** **AMEND** (Teacher Salaries/SE Average) Projects the Southeastern average teacher salary to be \$48,172 for FY 09-10. States that the statewide minimum teacher salary schedule used in FY 08-09 will continue to be used in FY 09-10. Specifies what positions are to receive Teacher Salary Supplements.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “\$48,172” to “\$48,725” and change “Fiscal Year “2009-10” to “2010-11” pertaining to using the same statewide minimum teacher salary schedule used in FY 08-09. Fiscal Impact: PENDING.

1A.6. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be ~~\$48,172~~ \$48,725. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year ~~2009-10~~ 2010-11. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

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- 1A.9 DELETE** (Principal Salary Supplements) Requires funds appropriated in for principals salary supplements and associated employer contributions to be distributed to school districts based on average daily membership. Requires each school district to distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *In an effort to consolidate line item appropriations and give districts greater flexibility, the line item associated with this proviso will be eliminated from the ELA and an equivalent amount of funds will be transferred to the EFA. To make the transfer revenue neutral, an equal amount of general fund monies for public education will be moved into the ELA.* Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

~~1A.9. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA, Section 1, XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM). Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.~~

- 1A.13 AMEND** (Arts in Education) Requires Arts Curricula funds be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education Pilot sites. Requires the funds be distributed under a competitive grants program, but requires up to 33% of the grant fund be made available as "Aid to Other Agencies" to facilitate funding professional development art institutes as approved by the department for arts teachers and appropriate classroom teachers. Authorizes these funds to be retained, carried forward, and expended according to the proposed award.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to allow Arts Curricula funds to be used to support "innovative practices" in arts education curriculum; "instruction and assessment" in visual and performing arts; and include "dance, music, theatre, and visual arts." Require the funds to also be used to support the advancement of implementation of visual and performing arts academic standards. Specify that the funds are to be distributed to "schools and school districts" under a competitive grants program. Specify that "administrators" are included in the 33% distributed to Aid to Other Agencies. *To reflect the intent of the proviso and update grant program procedures.* Fiscal Impact: No impact on the General Fund.

1A.13. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual arts which incorporates strengths from the Arts in Education pilot sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers, ~~and~~ appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

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- 1A.14** **AMEND** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs that up to 1,100 loan applications shall be processed annually. Authorizes funds collected from educators who are in default of the loan to be retained and carried forward for National Board purposes. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that effective July 1, 2010, the state will not award loans to teachers seeking National Board certification and will not pay a \$7,500 salary supplement to any teacher who receives such certification unless they received certification before July 1, 2010 or completed application for certification prior to July 1, 2010 and subsequently received the certification. Prohibit state funds from being paid to any teacher beyond the first ten years of receiving National Board certification except for individuals who have applied for or subsequently received their second ten year certification prior to July 1, 2010. Specify that the department retain funds collected from educators who are in default of National Board loans. Authorize that up to 10% of the funds collected may be used by the department to offset loan collection administrative costs and the remainder of the funds be used for National Board loan purposes. *Phases out National Board supplements after all existing commitments are made.* Fiscal Impact: PENDING. Requested by Education Oversight Committee. See general education companion proviso 1.48.

1A.14. (SDE-EIA: XI.C.2-National Board Certification Incentive) *Effective July 1, 2010, the state will not award loans to any teacher seeking National Board certification and will not pay a \$7,500 salary supplement to any teacher receiving National Board certification unless the teacher had received National Board certification prior to July 1, 2010 or had completed application for National Board certification prior to July 1, 2010 and subsequently received National Board certification. No state funds shall be paid to any teacher beyond the first ten years of receiving National Board certification except for those individuals who have applied for or subsequently receive their second ten year certification prior to July 1, 2010.*

Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards *or completed the application process prior to July 1, 2010* shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The

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Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

- 1A.17 AMEND** (Teacher Supplies) Authorizes all certified public school or special school classroom teachers, certified media specialists and certified guidance counselors employed by a school district or charter school as of November 30 of the current fiscal year, to receive a reimbursement of \$275 to offset the expenses they have incurred for teaching supplies and materials. Provides for the management of receipts. Requires the department to withhold Act 135 funds from any district while they are in non-compliance with this provision. Directs that funds not disbursed to teachers must be returned to the department.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that the reimbursement for teacher supplies shall be "up to" \$275. *The department has not requested additional funds to maintain the \$275 reimbursement which may need to be reduced due to*

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budget reductions. Fiscal Impact: No impact on the General Fund. Reimbursement will be based funding on the line. Requested by Department of Education.

1A.17. (SDE-EIA: XI.C.2-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of up to two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. ~~Any~~ With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter. School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the ~~\$275~~ allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of ~~\$275~~ the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.26 **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to also allow administration of WorkKeys to be paid from assessment funds. Direct that the test selection for each student should be informed by the student's individual graduation plan cluster selection, guidance counselor advisement and parent/legal guardian consent. *Would expand the number of assessments and give school districts greater flexibility in determining the appropriate assessment for 10th grade students.* Fiscal Impact: The EOC indicates no impact on the General Fund. Requested by Education Oversight Committee. See 1.27 for general education companion proviso.

1A.26. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT, ~~or~~ PLAN, or WorkKeys test to tenth

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grade students to include the testing fee and report fee. *The selection of the test for each student should be informed by the student's individual graduation plan (IGP) cluster selection, guidance counselor advisement and parent/legal guardian consent.* SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

- 1A.27 DELETE** (Excellence in Middle School Initiative) Require Excellence in Middle Schools Initiative funds to be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. Direct that funding be allocated proportionately based on the number of middle/junior high schools in each district.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *In an effort to consolidate line item appropriations and give districts greater flexibility, the line item associated with this proviso will be eliminated from the EIA and an equivalent amount of funds will be transferred to the EFA. To make the transfer revenue neutral, an equal amount of general fund monies for public education will be moved into the EIA.* Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

~~1A.27. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.~~

- 1A.28 AMEND** (Early Childhood Review) Directs the department to use up to \$300,000 of EIA Four-Year Old Early Childhood funds to institute a plan for reviewing, on a district basis, school and district early childhood assets based on certain information. Directs the department to use reports that analyze program assets and provide guidance to local schools on effective use of the reports to enhance quality gaps. Requires children to be tracked from early childhood programs to 5th grade and beyond to study the relationships of strong early childhood programs and increased PACT performance, decreased drop-out scores and special education program referrals, and increased graduation rates. Prohibits the review from being used as part of the EAA Report Card for the current fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct the department to also use the \$300,000 to provide monitoring and oversight of the program. Delete the requirement that the plan review schools and districts early childhood assets based on 4K entry DIAL 3 scores, and S.C. Readiness Assessment Reports and instead direct that the plan track 4K students through 5th grade, examine components that have contributed to student academic success, and on a district basis, review professional development needs based on successful program components. Delete specific criteria to study and instead direct the department to use all pertinent information to implement statewide professional development to guide efforts aimed at increasing the success of all children. Delete the prohibition on using this review as part of the EAA Report Card for the current fiscal year. *Changes the focus from a review and report to allow the agency to assist districts with effective professional development planning and implementation.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1A.28. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to provide

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~~*monitoring and oversight of the program and to* institute a plan for *reviewing, tracking 4K students through fifth grade, examining components that have contributed to student academic success and to review* on a district basis, *early childhood assets of schools and districts based on 4K entry DIAL-3 scores, and South Carolina Readiness Assessment Reports* *professional development needs based on successful program components*. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. *The department shall use all pertinent information obtained to implement statewide professional development to guide efforts aimed at increasing the success of all children*. This review may not be used as a part of the EAA Report Card for the current fiscal year.~~

- 1A.29 DELETE** (Credits High School Diploma Distribution) Direct that Raise Academic Standards-Credits High School Diploma funds be distributed to school districts based on the 135 day count of ADM.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *In an effort to consolidate line item appropriations and give districts greater flexibility, the line item associated with this proviso will be eliminated from the EIA and an equivalent amount of funds will be transferred to the EFA. To make the transfer revenue neutral, an equal amount of general fund monies for public education will be moved into the EIA.* Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

1A.29. (SDE-EIA: Credits High School Diploma Distribution) ~~The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135-day count of Average Daily Membership.~~

- 1A.34 AMEND** (One-Year Suspension of EIA Programs) Temporarily suspends the following EIA programs for FY 09-10 and allocates the funds appropriated to them to teacher salaries and fringe benefits; National Board Certification Incentive salary supplements; teacher supplies; Science PLUS; and Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the program: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Directs that schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10, but will not receive funding for such recognition.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the fiscal year reference from "2009-10" to "2010-11." Change "will" to "may" regarding the ability of schools to continue to recognize Palmetto Gold and Silver recipients. Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1A.34. (SDE-EIA: One Year Suspension of EIA Programs) The following programs funded with EIA revenues will be temporarily suspended for Fiscal Year ~~2009-10~~ *2010-11* and funds appropriated to these programs allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Schools will *may*

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still be recognized as Palmetto Gold and Silver recipients in ~~2009-10~~ Fiscal Year 2010-11 but will not receive financial compensation.

- 1A.35 AMEND** (4K Targeting) Directs that EIA funds allocated for 4-year-old kindergarten be used to provide services to age-eligible children that qualify for free or reduced-price lunch or Medicaid or documented developmental delays. Directs that if more students seek to enroll than there is space available for, students shall be prioritized, at the time of acceptance, on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest incomes given highest priority. Directs that if space permits, students with documented developmental delays may also be deemed eligible to enroll.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that funds be used to provide services to children with documented developmental delays and instead direct that children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. Specify that if more students seek to enroll than there is space available “districts” shall prioritize the students based on the students educational needs rather than on family income. Direct that students with the greatest educational needs be given the highest enrollment priority. *Clarifies how student priority should be determined.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

1A.35. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid ~~or documented developmental delays.~~ Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students ~~shall be prioritized~~ (at the time of acceptance) ~~on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes~~ students educational needs. Students with the greatest educational needs shall be given the highest enrollment priority.

- 1A.37 AMEND** (Artistically and Academically High-Achieving Students) Directs how EIA funds appropriated for high achieving students must be allocated to districts. Requires that at least 85% of funds appropriated for each of these students be spent for instruction and instructional support for students who generated the funds. Authorizes up to \$500,000 of the funds to be retained by the department for teacher endorsement activities. Directs that 12% of the funds be set-aside to serve artistically gifted and talented students in grades 3-12. Suspends, for the 09-10 school year, endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “2009-10” to “current” school year. Fiscal Impact: No impact on the General Fund.

1A.37. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on two factors: (1) the number of students served in academic gifted and talented programs based on the prior year’s 135-day count of average daily membership adjusted for the current year’s 45-day count and the number of students identified as artistically gifted and talented; and (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior

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year. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades 3-12.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the ~~2009-10~~ current school year.

- 1A.38 AMEND** (Students at Risk of School Failure) Directs how EIA funds appropriated for students at academic risk of school failure shall be allocated to school districts for FY 09-10. Requires that at least 85% of funds allocated for these students be spent on instruction and instructional support for students who generated the funds. Defines students at academic risk. Requires public charter schools, the Palmetto Unified School District, and DJJ to also receive a proportionate per pupil allocation based on the number of students at academic risk served.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2009-10” to “2010-11”. Fiscal Impact: No impact on the General Fund.

1A.38. (SDE-EIA: Students at Risk of School Failure) For Fiscal Year ~~2009-10~~ 2010-11, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades 3 through 8 in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

- 1A.41 AMEND** (Statewide Student Information System) Authorizes the department, contingent on availability of FY 08-09 year end EIA cash balance to use up to \$5,000,000 for costs related to the statewide student information system conversion, implementation, support, maintenance, and training activities for state, school district, and school users essential for sustaining accountability and transparency.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2008-09” to “2009-10” and “2009-10” to “2010-11”. Fiscal Impact: No impact on the General Fund.

1A.41. (SDE-EIA: Statewide Student Information System) Contingent on the availability of a Fiscal Year ~~2008-09~~ 2009-10 end of year EIA cash balance the department is authorized in Fiscal Year ~~2009-10~~ 2010-11 to utilize up to \$5,000,000 for the costs related to the conversion,

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implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability and transparency.

- 1A.ae** **ADD** (Adult Education) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that a minimum of 30% of adult education funds must be allocated to school districts to serve adult education students between the ages of 17 and 21 who are enrolled in programs leading to a state high school diploma, GED, or career readiness certificate (WorkKeys). Direct that the remaining funds be allocated to districts based on a formula which includes target populations without a high school credential and the following information from the previous school year: program enrollment, total hours of attendance, and performance factors such as number of high school credentials and career readiness certificates awarded. Require that overall levels of state funding meet the federal requirement of state maintenance of effort. *Consolidation of line item appropriations for adult and young education continue the EOC's recommendation that funds be streamlined and consolidated to give school districts greater flexibility over instructional programs.* Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

1A.ae. (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of 17 and 21 who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a high school credential, program enrollment the previous school year, total hours of attendance the previous school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort.

- 1A.ca** **ADD** (Clemson Agriculture Education Teachers) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the department to transfer to Clemson PSA, the funds appropriated in XI.F3 for Clemson Agriculture Education Teachers. Direct that these funds are to be used to fund summer employment for those teachers and to cover state-mandated salary increases on the portion of the agriculture teachers' salaries attributable to summer employment. Fiscal Impact: No impact on the General Fund. No impact on the General Fund.

1A.ca. (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XI.F3 for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

- 1A.eoc** **ADD** (Suspend Education Oversight Committee) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to suspend the Education Oversight Committee for FY 2010-11. Direct that for FY 2010-11, the committee's duties, functions and responsibilities shall be devolved to the Department of Education and physical assets shall be transferred to the department. Direct unexpended funds to be carried forward from the prior fiscal year and funds appropriated in Part IA, Section XI.F2 for the EOC, EOC 4 Year Old

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Evaluation Service Learning, and EOC Family Involvement are directed to Part IA, Section XI.C2 Teacher Salaries. Fiscal Impact: No impact on the General Fund. Approximately \$1.3 million of EIA funds would be available for distribution.

1A.eoc. (SDE-EIA: Suspend Education Oversight Committee) The Education Oversight Committee as established by Section 59-6-10 of the 1976 Code shall be suspended for Fiscal Year 2010-11. The duties, functions and responsibilities of the committee shall be devolved to the Department of Education for Fiscal Year 2010-11 and physical assets shall be transferred to the department. Unexpended funds from the prior fiscal year shall be carried forward and the funds appropriated in Part IA, Section XI.F2 for the Education Oversight Committee, EOC 4 Year Old Evaluation Service Learning and EOC Family Involvement are directed to Part IA, Section XI.C2 Teacher Salaries.

SECTION 3 - H71 - WIL LOU GRAY OPPORTUNITY SCHOOL

- 3.2** **AMEND** (WLG: GED Test) Authorizes students who are 16 years old, who attend Wil Lou Gray Opportunity School, and who are cannot remain enrolled due to needing to be immediately employed or enrolled in post secondary education to take the GED Test. Requires the student to be pretested using the official GED Practice Test and score a minimum of 220 before taking the GED.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “220” to “2200.” Fiscal Impact: No impact on the General Fund.

3.2. (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are 16 years of age and are unable to remain enrolled due to the necessity of immediate employment or enrollment in post secondary education may be eligible to take the General Education Development (GED) Test. Prior to taking the GED the student must be pretested using the official General Education Development Practice Test and score a minimum of ~~220~~ 2200.

SECTION 4 - H75 - SCHOOL FOR THE DEAF AND THE BLIND

- 4.11** **AMEND** (Sale of Property) Authorizes the school, after receiving B&C Board approval to sell property, to retain revenues associated with the sale of property titled to or used by the school. Directs that these funds be spent on capital improvements approved by JBRC and the B&C Board. Authorizes the school, for FY 09-10, to use revenue retained from the sale of donated property for educational and other operating purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

4.11. (SDB: Sale of Property) After receiving approval from the Budget and Control Board for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the Budget and Control Board. For Fiscal Year ~~2009-10~~ 2010-11, the school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

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- 4.14 DELETE** (Operating Expenses) Allows unexpended funds appropriated in FY 2007-08 by proviso 73.12 to be carried forward into the current fiscal year and used for educational and other operating expenses.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~4.14. (SDB: Operating Expenses) Unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 to the School for the Deaf and the Blind may be carried forward into the current fiscal year and used for educational and other operating expenses.~~

SECTION 5 - L12 - JOHN DE LA HOWE SCHOOL

- 5.3 DELETE** (Operating Expenses) Allows unexpended funds appropriated in FY 2007-08 by proviso 73.12 to be carried forward into the current fiscal year and used for other operating expenses.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~5.3. (JDLHS: Operating Expenses) Unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 to the John de la Howe School for deferred maintenance may be carried forward to the current fiscal year and used for other operating expenses.~~

SECTION 19 - H67-EDUCATIONAL TELEVISION COMMISSION

- 19.3 AMEND** (SC Educational Broadband Service Commission/Broadband License) Requires the B&C Board to pay up to an aggregate amount not to exceed \$750,000 from all years combined of expenses incurred by the Broadband Service Commission. Authorizes the B&C Board to recover the cost of actual expenses incurred in supporting the commission from any contract resulting from commission activities. Authorizes the board to carry forward the maximum amount of unspent general funds required to support the commission and its activities. Directs that unexpended funds be transferred for capitol complex use.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to specify that the B&C Board's obligation to pay commission expenses and expenses in completion of the commission's work is limited to an aggregate amount not to exceed \$750,000 for all years combined. Specify that the board is allowed to recover its actual expenses incurred pursuant to directives of this provision, including, but not limited to, administration of the contract. Delete the requirement that unexpended funds be transferred for capitol complex use. *To support work of the Broadband Service Commission through completion of its work.* Fiscal Impact: The board states that \$289,239 had been expended as of 9/17/09. No funds are appropriated for this purpose. The Executive Director of the B&C Board has discretion to use any agency funds for this purpose. Requested by Budget and Control Board.

19.3. (ETV: SC Educational Broadband Service Commission/Broadband License) The Budget and Control Board is authorized and directed to pay for any expenses that the Broadband Service Commission established by 2008 Act 405 incurs in the performance of its responsibilities, including but not limited to the cost of professional assistance; *The Board's obligation to pay expenses of the commission and in completion of the commission's work is limited* up to an aggregate amount not to exceed \$750,000 ~~from~~ for all years combined. The

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Executive Director of the Budget and Control Board is authorized to expend and use such sources of agency funds as the director determines. *The* Budget and Control Board is authorized to recover *its* actual expenses incurred ~~to support the Broadband Service Commission pursuant to directives of this paragraph, including but not limited to, the administration of the contract,~~ from funds received by the State through any contract resulting from the Commission's activities. In addition to any other carry forward allowed by law, the Budget and Control Board is specially authorized to carry forward ~~from Fiscal Year 2008-09 into Fiscal Year 2009-10~~ unspent general fund appropriations in the maximum amount it may be required to expend in support of the commission and its activities. ~~Any unexpended funds must be transferred for use on the capitol complex.~~

SECTION 89 - X90-GENERAL PROVISIONS

- 89.39 DELETE** (PSA Agriculture Teachers Summer Employment) Directs the Department of Education to transfer to Clemson PSA the funds appropriated in Part IA, Section XI.F3, Other State Agencies and Entities, Teacher Pay to pay state mandated salary increases for summer employment of agriculture teachers.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

89.39. (GP: PSA Agriculture Teachers Summer Employment) ~~In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part IA, Section XI.F3 of this document, Other State Agencies and Entities, Teacher Pay Other Agencies to Clemson University PSA to cover state mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.~~